

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 361 be amended to read as follows:

- 1 Replace the effective dates in SECTIONS 1 through 3 with
- 2 "[EFFECTIVE UPON PASSAGE]".
- 3 Page 1, between lines 4 and 5, begin a new paragraph and insert:
- 4 "SECTION 2. IC 9-16-1-1 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this
- 6 chapter, "qualified person" means any of the following:
- 7 (1) A motor club that is any of the following:
- 8 (A) A domestic corporation.
- 9 (B) A foreign corporation qualified to transact business in
- 10 Indiana under IC 23-1 or IC 23-17.
- 11 (2) A financial institution (as defined in IC 28-1-1-3).
- 12 (3) A new motor vehicle dealer licensed under IC 9-23-2.
- 13 **(4) An insurance producer (as defined in IC 27-1-15.6-2)**
- 14 **licensed under IC 27-1-15.6.**
- 15 ~~(4)~~ **(5)** Other persons, including persons licensed under IC 9-23-2
- 16 that are not covered by subdivision (3), that the commission
- 17 determines can meet the standards adopted by the commission
- 18 under IC 9-15-2-1(7) and the requirements for partial service
- 19 contractors under section 4.5 of this chapter."
- 20 Page 1, line 6, after "(a)" insert **"If a qualified person**
- 21 **demonstrates that the qualified person can meet the requirements**
- 22 **of this section,"**.
- 23 Page 1, line 6, delete "The" and insert "the".
- 24 Page 1, line 7, strike "a" and insert **"the"**.
- 25 Page 1, line 7, delete ":".
- 26 Page 1, line 8, strike "(1)".
- 27 Page 1, line 9, delete ";" and insert ".".
- 28 Page 1, line 9, strike "or".
- 29 Page 1, line 10, strike "(2)".
- 30 Page 1, line 10, delete "the provision of".
- 31 Page 1, line 10, strike "partial services under section 4.5".
- 32 Page 1, strike line 11.

Page 2, line 15, delete "." and insert **"that is reasonably calculated to secure the contractor's performance. The commission may not require the contractor to post a cash bond."**

Page 2, line 18, strike "any" and insert **"annual"**.

Page 2, line 36, after "(a)" insert **"If a qualified person demonstrates that the qualified person can meet the requirements of this section,"**.

Page 2, line 36, delete "The" and insert "the".

Page 2, line 37, before "qualified person to" strike "a" and insert **"the"**.

Page 2, line 37, after "at" strike "a" and insert **"the"**.

Page 3, line 11, delete "." and insert **"that is reasonably calculated to secure the contractor's performance. The commission may not require the contractor to post a cash bond."**

Page 3, line 12, strike "any" and insert **"annual"**.

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 5. IC 9-16-1-5, AS AMENDED BY P.L.210-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Each license branch, ~~full service provider, or partial services provider~~ shall collect the service charges prescribed by IC 9-29-3 and deposit the service charges in the state license branch fund established under IC 9-29-14.

SECTION 6. IC 9-16-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) IC 9-29-3 does not apply to:**

(1) a license branch operated under a contract awarded under section 4 of this chapter; or

(2) a partial services facility operated under section 4.5 of this chapter.

(b) A contractor under section 4 or 4.5 of this chapter may charge and keep any service fees the contractor considers necessary, in the contractor's sole discretion, to operate the license branch or to provide partial services.

(c) Before October 1 of each year, the bureau and the state board of accounts shall determine the actual cost to the state to provide license branch services under this article during the most recently concluded state fiscal year. The state board of accounts shall determine a method to allocate these costs to license branch services on a transaction basis. Before January 1 of the following year, the bureau shall notify all contractors under section 4 or 4.5 of this chapter the amount of the per transaction cost determined under this subsection.

(d) A contractor under section 4 or 4.5 of this chapter shall:

(1) collect as a fee for each transaction processed after December 31 the transaction cost determined under subsection (c); and

(2) pay the money collected under subdivision (1) to the

1 **bureau as provided in the contract.**
 2 **The fee required to be collected under this subsection is in addition**
 3 **to any fees the contractor may charge under subsection (b).**
 4 **(e) The bureau shall deposit money paid to the bureau under**
 5 **subsection (d) in the motor vehicle highway account.**
 6 **SECTION 7. An emergency is declared for this act."**
 7 Renumber all SECTIONS consecutively.
 (Reference is to SB 361 as printed January 27, 2006.)

Senator FORD